

Exhibit 3

OCT-08-2007(MON) 14:09

ONE LEGAL, INC.

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P. 004/018

ENDORSED
FILED

SEP 28 2007

SUPERIOR COURT
OF CALIFORNIA
COUNTY OF SONOMA

1 H. Tim Hoffman, SBN 49141
 2 Arthur W. Lazear, SBN 83603
 3 Morgan M. Mack SBN 212659
 4 HOFFMAN & LAZEAR
 180 Grand Avenue, Suite 1550
 Oakland, CA 94612
 Telephone: (510) 763-5700

5
 6 Attorneys for Plaintiffs

7
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF SONOMA

10
 11 SONIA RENAZCO, individual, on behalf)
 12 of herself and all others similarly situated,)

13 Plaintiffs,)

14 v.)

15 NATIONAL CITY BANK, and DOES 1)
 16 through 100,)

17 Defendants.)
 18)
 19)
 20)

CASE NO. SCV241187

AMENDED CLASS ACTION
COMPLAINT FOR:

1. Restitution of Overtime Wages (B&P 17200)
2. Recovery of Overtime Wages (Labor Code 1194).
3. Waiting Time Penalties (Labor Code 203)
4. Rest and Meal Breaks (Labor Code 226.7)
5. Wage Penalties (Labor Code 210 and 226.3)
6. Declaratory Relief

BY FAX

21
 22
 23 Comes now Plaintiff SONIA RENAZCO (hereinafter "Plaintiff"), on behalf of herself
 24 and all others similarly situated, and alleges:
 25

26
 27 General Allegations
 28

COMPLAINT

1 1. Plaintiff SONIA RENAZCO is an individual residing in the State of California.
2 2. Defendant NATIONAL CITY BANK, is a mortgage lender who does business in
3 California.
4 3. Plaintiff is unaware of the names and capacities of those defendants sued as
5 DOES 1 through 50 but will amend this complaint when that information becomes known.
6 Plaintiff is informed and believes and thereon alleges that, at all relevant times, each of the
7 defendants, including the DOE defendants, was the officer, director, employee, agent,
8 representative, alter ego or co-conspirator of each of the other defendants, and in engaging in the
9 conduct alleged herein, was acting in the course and scope of, and in furtherance of, such
10 relationship. Unless otherwise specified, plaintiff will refer to all defendants collectively as
11 "defendant" and each allegation pertains to each defendant.
12 "defendant" and each allegation pertains to each defendant.
13 "defendant" and each allegation pertains to each defendant.

14 CLASS ACTION ALLEGATIONS

15 4. Class Definition: Plaintiff worked for defendant as an underwriter, responsible for
16 reviewing home mortgage loan applications from consumers. Plaintiff seeks to bring this lawsuit
17 as a class action pursuant to Code of Civil Procedure section 382. The class that plaintiff seeks
18 to represent is defined as follows: "All individuals who were employed by defendant in the
19 position of underwriter, senior underwriter, underwriter trainee, and/or any similar position that
20 is responsible for reviewing home mortgages to consumers ('Covered Position'), within the State
21 of California during the applicable limitations period."
22 of California during the applicable limitations period."

23 A. "Subclass A" consists of all class members who, while working in a
24 Covered Position in California during the applicable limitations period, did not receive a "salary"
25 of at least \$455 per week (or \$155 per week before August 23, 2004). "Salary" means a
26 predetermined amount of wages each pay period without reduction due to the quantity or quality
27 of the employee's work. A "commission" is not a salary.
28 of the employee's work. A "commission" is not a salary.

1 B. "Subclass B" consists of all class members who, while working in a
2 Covered Position in California during the applicable limitations period, received a salary of less
3 than twice the California minimum wage and either (1) had total earnings that were less than 1.5
4 times the California minimum wage, or (2) less than half of their earnings represented
5 commissions.
6

7 C. "Subclass C" consists of all class members who, while working in a
8 Covered Position in California during the applicable limitations period, were paid a salary of at
9 least twice the minimum wage.

10 D. "Subclass D" consists of all members of Subclass A, Subclass B and/or
11 Subclass C who, as of the date that this lawsuit was filed, were no longer employed by defendant.
12

13 5. Ascertainable Class. The proposed class and each subclass are ascertainable in
14 that their members can be identified and located using information contained in defendant's
15 payroll and personnel records.

16 6. Common Questions of Fact and Law. This lawsuit is suitable for class treatment
17 because common questions of fact and law predominate over individual issues. Common
18 questions include, but are not limited to, the following: (1) whether the class members qualify for
19 exempt status under the administrative exemption; (2) whether defendant's business qualifies as
20 a "retail or service establishment"; (3) the extent to which defendant analyzed the duties and
21 responsibilities of the class members before classifying them as exempt; (4) the number of hours
22 per week and per day class members are expected to work; (5) defendant's expectations as to the
23 duties and responsibilities of the class members, and whether these expectations are reasonable
24 under the circumstances; (6) whether the various tasks performed by the class members qualify
25 as exempt or non-exempt tasks; and (7) whether defendant's withholding of overtime pay and
26 deduction from wages was willful under the meaning of Labor Code section 203.
27
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1 7. Numerosity. The plaintiff class is so numerous that the individual joinder of all
2 members is impractical under the circumstances of this case. While the exact number of class
3 members is unknown to plaintiff at this time, plaintiff is informed and believes that the entire
4 class consists of at least 100 members, and that each subclass is so numerous that joinder of the
5 members would be impracticable.
6

7 8. Typicality and Adequacy. Plaintiff's claims are typical of the claims of the class
8 members. Plaintiff suffered an injury similar to that of the other class members as a result of
9 defendant's common practices regarding the payment of wages. In addition, plaintiff will fairly
10 and adequately protect the interests of the members of the class. Plaintiff has no interests that are
11 adverse to the interests of the other class members.
12

13 9. Superiority. A class action is superior to other available means for the fair and
14 efficient adjudication of this controversy, since individual joinder of all members of the class is
15 impractical. Class action treatment will permit a large number of similarly situated persons to
16 prosecute their common claims in a single forum simultaneously, efficiently, and without the
17 unnecessary duplication of effort and expense that numerous individual actions would require.
18 Furthermore, as the damages suffered by each individual member of the class may be relatively
19 small, the expenses and burden of individual litigation would make it difficult or impossible for
20 individual members of the class to redress the wrongs done to them, while an important public
21 interest will be served by addressing the matter as a class action. The cost to the court system of
22 adjudication of such individualized litigation would be substantial. Individualized litigation
23 would also present the potential for inconsistent or contradictory judgments. Finally, the
24 alternative of filing a claim with the California Labor Commissioner is not superior, given the
25 lack of discovery in such proceedings, the availability of fewer remedies, and the fact that the
26 losing party has the right to a trial de novo in the Superior Court.
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FIRST CAUSE OF ACTION

(Restitution of Overtime Wages - On Behalf of Subclass A)

10. Plaintiff incorporates the allegations contained in paragraphs 1 through 9.

11. The Fair Labor Standards Act, 29 U.S.C. section 201 et seq. ("FLSA"), states that an employee must be paid overtime, equal to 1.5 times the employee's regular rate of pay, for all hours worked in excess of 40 per week. This court has concurrent jurisdiction over claims involving the FLSA pursuant to 29 U.S.C. section 216(b).

12. Subclass A members regularly work more than 40 hours per week, but are not paid overtime. Subclass A members are not "exempt" under the FLSA, because *inter alia*, they are not paid a salary of at least \$455 per week (or \$155 per week prior to August 23, 2004), and defendant's business does not qualify as a "retail or service establishment" under 29 U.S.C. section 207(I) and 29 C.F.R. sections 779.316 and 779.317.

13. Defendant has committed an act of unfair competition by not paying the required overtime pay to members of Subclass A.

14. Pursuant to Bus. & Prof. Code section 17203, plaintiff requests an order requiring defendant to make restitution of all overtime wages due the members of Subclass A, in an amount to be proved at trial.

SECOND CAUSE OF ACTION

(Restitution of Overtime Wages - On Behalf of Subclass B)

15. Plaintiff incorporates the allegations contained in paragraphs 1 through 14.

16. Wage Order 4-2001, 8 C.C.R. section 11040, which applies to defendant's business, states that an employee must be paid overtime, equal to 1.5 times the employee's regular rate of pay, for all hours worked in excess of 40 per week or 8 per day.

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1 17. Subclass B members regularly work more than 40 hours per week and/or 8 hours
2 per day, but are not paid overtime. Subclass B members are not exempt because, *inter alia*, they
3 are not paid a monthly salary equivalent to at least twice the minimum wage and they do not
4 qualify for the commissioned sales exemption under Wage Order 4-2001, section 3(D).

5 18. Defendant has committed an act of unfair competition by not paying the required
6 overtime pay to the members of Subclass B.

7 19. Pursuant to Bus. & Prof. Code section 17203, plaintiff requests an order requiring
8 defendant to make restitution of all overtime wages due the members of Subclass B, in an
9 amount to be proved at trial.
10

11 THIRD CAUSE OF ACTION

12 (Labor Code section 1194 - On Behalf of Subclass B)

13 20. Plaintiff incorporates the allegations contained in paragraphs 1 through 19.

14 21. Pursuant to California Labor Code section 1194, plaintiff and the Subclass B
15 members are entitled to recover their unpaid overtime compensation, plus attorneys' fees and
16 costs, in an amount to be proved at trial.
17

18 FOURTH CAUSE OF ACTION

19 (Restitution of Overtime Wages - On Behalf of Subclass C)

20 22. Plaintiff incorporates the allegations contained in paragraphs 1 through 21.

21 23. Subclass C members regularly work more than 40 hours per week and/or 8 hours
22 per day, but are not paid overtime. Subclass C members are not exempt because, *inter alia*, they
23 are production workers, they do not spend the majority of their time on exempt tasks, and they do
24 not customarily and regularly exercise discretion and independent judgment in matters of
25 consequence to defendant's business.
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1 24. Defendant has committed an act of unfair competition by not paying the required
2 overtime pay to the members of Subclass C.

3 25. Pursuant to Bus. & Prof. Code section 17203, plaintiff requests an order requiring
4 defendant to make restitution of all overtime wages due the members of Subclass C, in an
5 amount to be proved at trial.

6 FIFTH CAUSE OF ACTION

7
8 (Labor Code section 1194 - On Behalf of Subclass C)

9 26. Plaintiff incorporates the allegations contained in paragraphs 1 through 25.

10 27. Pursuant to California Labor Code section 1194, plaintiff and the Subclass C
11 members are entitled to recover their unpaid overtime compensation, plus attorneys' fees and
12 costs, in an amount to be proved at trial.

13 SIXTH CAUSE OF ACTION

14
15 (Labor Code Section 203 - Waiting Time Penalties - By and on Behalf of Subclass D)

16 28. Plaintiff incorporates the allegations contained in paragraphs 1 through 27.

17 29. Defendant willfully and intentionally failed to pay plaintiff and the other Subclass
18 D members all of the wages that they were due by the deadlines imposed under Labor Code
19 sections 201 and 202. Accordingly, plaintiff and the Subclass D members are entitled to waiting
20 time penalties of up to 30 days' pay, in an amount to be proved at trial.

21 SEVENTH CAUSE OF ACTION

22
23 (Labor Code § 2699(a) - PAGA - and Labor Code § 226.7 - Rest and Meal Breaks - By and On
24 Behalf of Subclasses A, B and C)

25 30. Plaintiff incorporates the allegations contained in paragraphs 1 through 29.

26 31. California Labor Code section 2699(a), also known as the Labor Code Private
27 Attorneys General Act of 2004, states:
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1 Notwithstanding any other provision of law, any provision of this code that
2 provides for a civil penalty to be assessed and collected by the Labor and
3 Workforce Development Agency or any of its departments, divisions,
4 commissions, boards, agencies, or employees, for a violation of this code, may, as
5 an alternative, be recovered through a civil action brought by an aggrieved
6 employee on behalf of himself or herself and other current or former employees.

7 32. Plaintiff is an "aggrieved employee" as that term is defined in the Labor Code
8 Private Attorneys General Act of 2004 because she is a person who was employed by the alleged
9 violator and against whom one or more of the alleged violations was committed.

10 33. Plaintiff therefore brings this action on behalf of herself and all other current
11 and former employees.

12 34. Plaintiff has complied with the notice provisions of Labor Code section
13 2699.3.

14 35. Defendant failed to provide the members of subclasses A, B and C with all of
15 their required rest and meal breaks. As a result, under Labor Code section 226.7, plaintiff and
16 the members of Subclasses A, B and C are entitled to one additional hour's pay of each day that
17 a rest or meal break was missed, in an amount to be proved at trial.

18 EIGHTH CAUSE OF ACTION

19 (Labor Code § 2699(a) - PAGA - and Labor Code §§ 204 and 210 - Accurate Wages - By and
20 On Behalf of Subclasses A, B and C)

21 36. Plaintiff incorporates the allegations contained in paragraphs 1 through 35.

22 37. California Labor Code section 2699(a), also known as the Labor Code Private
23 Attorneys General Act of 2004, states:

24 Notwithstanding any other provision of law, any provision of this code that provides
25 for a civil penalty to be assessed and collected by the Labor and Workforce
26 Development Agency or any of its departments, divisions, commissions, boards,
27 agencies, or employees, for a violation of this code, may, as an alternative, be
28 recovered through a civil action brought by an aggrieved employee on behalf of
himself or herself and other current or former employees.

38. Plaintiff is an "aggrieved employee" as that term is defined in the Labor Code
Private Attorneys General Act of 2004 because she is a person who was employed by the alleged

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1 violator and against whom one or more of the alleged violations was committed.

2 39. Plaintiff therefore brings this action on behalf of herself and all other current and
3 former employees.

4 40. Plaintiff has complied with the notice provisions of Labor Code section 2699.3.

5 41. Labor Code sections 204 and 210 require accurate payment of wages.

6 42. By the conduct alleged above, Defendant has failed to accurately pay wages, and
7 therefore the penalty provisions of Labor Code § 210 apply.

8 43. The civil penalties provided for in these sections are in addition to any other civil
9 or criminal penalty provided by law.

10 44. Therefore, Plaintiff demands penalties under the Labor Code Private Attorneys
11 General Act of 2004 in the amounts specified in Labor Code § 210.

12 45. Furthermore, Plaintiff demands penalties under §2699(f) for violations of the
13 Labor Code for which there are no prescribed civil penalties.

14
15 NINTH CAUSE OF ACTION

16 (Labor Code § 2699(a) - PAGA - and Labor Code §§ 226 and 226.3 - Accurate Pay Stubs - By
17 and On Behalf of Subclasses A, B and C)

18 46. Plaintiff incorporates the allegations contained in paragraphs 1 through 45.

19 47. California Labor Code section 2699(a), also known as the Labor Code Private
20 Attorneys General Act of 2004, states:

21
22 Notwithstanding any other provision of law, any provision of this code that provides
23 for a civil penalty to be assessed and collected by the Labor and Workforce
24 Development Agency or any of its departments, divisions, commissions, boards,
agencies, or employees, for a violation of this code, may, as an alternative, be
recovered through a civil action brought by an aggrieved employee on behalf of
himself or herself and other current or former employees.

25 48. Plaintiff is an "aggrieved employee" as that term is defined in the Labor Code
26 Private Attorneys General Act of 2004 because she is a person who was employed by the alleged
27 violator and against whom one or more of the alleged violations was committed.
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1 49. Plaintiff therefore brings this action on behalf of herself and all other current and
2 former employees.

3 50. Plaintiff has complied with the notice provisions of Labor Code section 2699.3.

4 51. Labor Code sections 226 and 226.3 require accurate pay stubs.

5 52. By the conduct alleged above, Defendant has failed to provide accurate pay
6 stubs, and therefore the penalty provisions of Labor Code § 226.3 apply.

7 53. The civil penalties provided for in these sections are in addition to any other civil
8 or criminal penalty provided by law.

9 54. Therefore, Plaintiff demands penalties under the Labor Code Private Attorneys
10 General Act of 2004 in the amounts specified in Labor Code § 226.3.

11 55. Furthermore, Plaintiff demands penalties under §2699(f) for violations of the
12 Labor Code for which there are no prescribed civil penalties.

13 TENTH CAUSE OF ACTION

14 (Declaratory Relief By Plaintiff Only)

15 56. Plaintiff incorporates the allegations contained in paragraphs 1 through 55.

16 57. An actual controversy has arisen and continues to exist between plaintiff and
17 defendant concerning whether defendant's business qualifies as a "retail or service
18 establishment" under the FLSA. Plaintiff contends that defendant's business is not a "retail or
19 service establishment," whereas defendant contends that it is.

20 58. A judicial declaration is necessary and proper at this time to resolve this
21 actual controversy between plaintiff and defendant and to establish the respective rights and
22 duties of the parties.

23 PRAYER

24 WHEREFORE, plaintiff prays for a judgment against each defendant, jointly and
25 severally, as follows:

- 26 1. For compensatory damages according to proof;
27 2. For declaratory judgment as prayed for in the complaint;
28

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- 1 3. For an order requiring defendant to make restitution of all wages, including
2 overtime wages, that were illegally withheld;
3 4. For interest according to proof;
4 5. For penalties as alleged herein;
5 6. For reasonable attorneys' fees; and
6 7. For such other relief that the Court deems just and proper.
7

8 Dated: September 28, 2007
9

HOFFMAN & LAZEAR

By: 

H. KIM HOFFMAN
Attorneys for Plaintiff

Exhibit 4

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1 H. Tim Hoffman, SBN 49141
 2 Arthur W. Lazcar, SBN 83603
 3 **HOFFMAN & LAZCAR**
 4 180 Grand Avenue, Suite 1550
 5 Oakland, CA 94612
 6 Telephone: (510) 763-5700

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF SONOMA

10 SONIA RENAZCO, individual, on behalf of)
 11 herself and all others similarly situated,)

12 Plaintiffs,)

13 v.)

14 NATIONAL CITY MORTGAGE CO., a)
 15 division of NATIONAL CITY)
 16 CORPORATION, and DOES 1 through 100,)

17 Defendants.)
 18)
 19)
 20)
 21)
 22)

CASE NO. SCV241187

PROOF OF SERVICE

23 I, Shola Ogunlana, declare:

24 I am, and was at the time of the service mentioned in this declaration, over the age of 18 years
 25 and am not a party to this cause. My business address is HOFFMAN & LAZCAR, 180 Grand
 26 Avenue, Suite 1550, Oakland, California 94612, Alameda County, California. On October 1, 2007,
 27 I served the following Documents:

28 AMENDED SUMMONS

BY MAIL: By placing the document(s) listed above in a sealed envelope with postage
 thereon fully prepaid, in the United States mail at Oakland, California addressed as set
 forth below.

FEDERAL EXPRESS: By placing the documents(s) listed above in FEDERAL
 EXPRESS drop box facility located closest to my office in Oakland, California, in a
 sealed FEDERAL EXPRESS envelope, for 5:30 p.m. pickup and overnight delivery. The
 FEDERAL EXPRESS request form was completed in a manner so that postage was

1 prepaid, and contained instructions requesting delivery by not later than 5:00 pm the
2 following business day, to the person(s) at the address(es) set forth below.

3 EMAIL: By transmitting via email based on a court order or an agreement of the parties
4 to accept service by e-mail or electronic transmission, I caused the documents to be sent
5 to the persons at the e-mail addresses listed below.

6 * BY HAND DELIVERY: By hand delivering the document(s) listed above to the
7 person(s) at the address(es) set forth below.

8 Donna M. Mezias
9 JONES DAY
10 555 California Street
11 26th Floor
12 San Francisco, CA 94104

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15 Dated: October 1, 2007

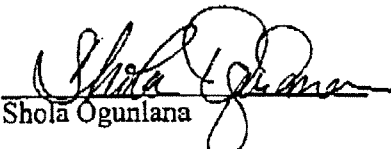
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Shola Ogunlana

Exhibit 5

AMENDED SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
NATIONAL CITY BANK, and DOES 1 through 100,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
SONIA RENAZCO, individual, on behalf of herself and all others
similarly situated,

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED

OCT 03 2007

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
Civil Branch Room 107J Branch
600 Administration Drive, Santa Rosa, CA 95403

CASE NUMBER:
(Número del Caso):

SCV241187

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Morgan Mack (Bar # 212659)

HOFFMAN & LAZEAR

180 Grand Avenue, Suite 1550, Oakland, CA 94612

DATE:

(Fecha)

OCT 03 2007

DENISE L. GORDON

Clerk, by

(Secretario)

JENNIFER ELLIS

Phone No.: (510) 763-5700

Fax No.: (510) 835-1311

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☒ by personal delivery on (date): September 1, 2008

6/2007

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1 prepaid, and contained instructions requesting delivery by not later than 5:00 pm the
2 following business day, to the person(s) at the address(es) set forth below.

3 EMAIL: By transmitting via email based on a court order or an agreement of the parties
4 to accept service by e-mail or electronic transmission, I caused the documents to be sent
5 to the persons at the e-mail addresses listed below.

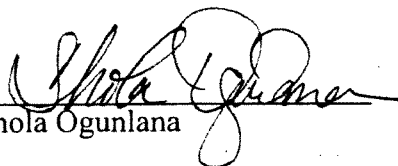
6 ☒ BY HAND DELIVERY: By hand delivering the document(s) listed above to the
7 person(s) at the address(es) set forth below.

8 Donna M. Mezias
9 JONES DAY
10 555 California Street
11 26th Floor
12 San Francisco, CA 94104

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct.

15 Dated: October 1, 2007

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Shola Ogunlana



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA
Civil Division

600 Administration Drive, Room 107-J, Santa Rosa, California 95403 (707) 521-6500
http://www.SonomaSuperiorCourt.com

DATE: 10-2-07

Case Number: SCV-241187

TO: Morgan Mack
Via Box 67

Case Name: Renazco v

National City Mortgage

Your Proof(s) of Service of Process is/are being returned because:

+ Summons

- ☐ Pursuant to local rules, name usage within a case must be consistent. Please refer to the initial pleading for the correct and complete name of the defendant.
- ☐ There is no defendant by this name in this action. If you intend to serve this person as a Doe, you must specifically state "served as Doe #" in item 1.
- ☒ Service cannot be accomplished until the document is actually filed. The document you served is not yet filed with this court. - Amended Summons
- ☐ In order to affect proper service, you must serve the complaint/petition and ADR packet, in addition to the Summons.
- ☐ One proof of service must be submitted for EACH defendant, separately. You cannot prove service upon multiple defendants with one form.
- ☐ Personal service must be served on the named defendant or a designated agent for service if the defendant is a business.
- ☐ Substitute Service must give identifying information regarding the person served, specifically a name - or if a name was unobtainable a full description.
- ☐ Only one form of service can be used.
- ☐ The date, time and place of service must be completed.
- ☐ You must have a court order to serve by posting or publication.
- ☐ Service must be accomplished by someone over the age of 18 and not a party to the action. The person who has signed this document appears to be related to this case.
- ☐ Information regarding the server must be completed.
- ☐ The declaration under penalty of perjury must be dated.
- ☒ This action must be submitted on the adopted Judicial Council Form PS-010
- ☐ You must use the current version of this form, the form you submitted is obsolete.

☒ Other: No proof of service was filed for the
original complaint. We cannot accept proof
of service - by mail - for the Amended Complaint.
- The new Summons must state 'Amended'

Exhibit 6

American LegalNet, Inc.
www.USCourtForms.com

EXHIBIT B

Donna M. Mezas (State Bar No. 111902)
dmezas@jonesday.com
Catherine S. Nasser (State Bar No. 246191)
cnasser@jonesday.com
JONES DAY
555 California Street, 26th Floor
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Telephone: (415) 626-3939
Facsimile: (415) 875-5700

Attorneys for Defendant
NATIONAL CITY BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SONIA RENAZCO,

Plaintiff,

v.

**NATIONAL CITY BANK, and DOES 1
through 100,**

Defendant.

Case No. _____

**DECLARATION OF THOMAS
PLANT IN SUPPORT OF
DEFENDANT NATIONAL CITY
BANK'S NOTICE OF REMOVAL OF
ACTION FROM STATE COURT**

**[28 U.S.C. §§ 1331, 1332, 1441 AND
1446]**

I, THOMAS PLANT, declare and state as follows:

1. I am employed by National City Bank ("National City" or the "Company") in the Law Department as Assistant General Counsel and Secretary of the Board of Directors. The following is based on my review of Company records maintained in the ordinary course of business and, if called upon to do so, I could and would testify competently thereto.

2. National City Bank is a national banking association chartered under the laws of the United States with its principal offices located in Cleveland, Ohio

1 This declaration is made in accordance with 28 U.S.C. § 1746 and I declare under penalty
2 of perjury under the laws of the United States that the foregoing is true and correct, and that this
3 declaration was executed in Cleveland, Ohio on November 20, 2007.

4
5 

6 **THOMAS PLANT**

7 SFI-574024v1

EXHIBIT C

1 Donna M. Mezias (State Bar No. 111902)
dmezias@jonesday.com
2 Catherine S. Nasser (State Bar No. 246191)
cnasser@jonesday.com
3 JONES DAY
555 California Street, 26th Floor
4 San Francisco, CA 94104
Telephone: (415) 626-3939
5 Facsimile: (415) 875-5700

6 Attorneys for Defendant
NATIONAL CITY BANK
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 SONIA RENAZCO,

12 Plaintiff,

13 v.

14 NATIONAL CITY BANK, and DOES 1
through 100,

15 Defendant.
16

Case No. _____

**DECLARATION OF MARTHA
HEADY MESSMAN IN SUPPORT OF
DEFENDANT NATIONAL CITY
BANK'S NOTICE OF REMOVAL OF
ACTION FROM STATE COURT**

**[28 U.S.C. §§ 1331, 1332, 1441(B) AND
1446]**

SIGNATURE VIA FACSIMILE

17 I, MARTHA HEADY MESSMAN, declare and state as follows:

18 1. I am employed by National City Bank (the "Company") in the Employee Relations
19 department as a Senior Vice President and the EEO/Compliance Manager. The following is
20 based on my review of Company records maintained in the ordinary course of business and, if
21 called upon to do so, I could and would testify competently thereto.

22 2. In my position with the Company, I am familiar with the Company's computer
23 system, which houses certain payroll and employee data regarding both current and former
24 employees. The Company maintains its computer system, and the data contained in it, in the
25 ordinary course of its business. The data in the system is entered at or near the time of a payroll
26 or human resources event, and it is transmitted by a person with knowledge of the event in
27 question.
28

DECLARATION OF MARTHA HEADY MESSMAN

1 3. At my direction, searches were conducted in the Company's computer system to
2 retrieve certain personnel data, including salary information and employment dates, associated
3 with current and former employees who hold exempt underwriter positions in the State of
4 California.

5 4. Since October 2003, National City has employed approximately 194 individuals in
6 exempt, underwriter, senior underwriter, underwriter trainee, and similar positions responsible for
7 reviewing home mortgages to consumers in the State of California. Of these 194 individuals,
8 approximately 135 are former employees. The average tenure of these individuals (from October
9 13, 2003 through October 15, 2007) was approximately 65 weeks. Since October 2003, the
10 lowest average annual salary of these individuals was approximately \$24,999.96, and the highest
11 approximately \$141,233.52.

12
13 This declaration is made in accordance with 28 U.S.C. § 1746 and I declare under penalty
14 of perjury under the laws of the United States that the foregoing is true and correct, and that this
15 declaration was executed in Indianapolis, Indiana on November 26, 2007.

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17 

18 MARTHA HEADY MESSMAN
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SFI-574464v1

DECLARATION OF MARTHA HEADY MESSMAN